

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

M.L. ,

Plaintiff,

v.

craigslist Inc. et al.,,

Defendants.

Case No. 3:19-cv-06153-BHS-TLF

ORDER GRANTING PLAINTIFF'S  
MOTION FOR LEAVE TO AMEND

This matter comes before the Court on plaintiff's unopposed motion to amend complaint. Dkt. 166. This matter has been referred to the undersigned Magistrate Judge. *Mathews, Sec'y of. H.E.W. v. Weber*, 423 U.S. 261 (1976); 28 U.S.C. § 636(b)(1)(B); Local Rule MJR 4(a)(4); Dkt. 19. For the reasons set forth below, the Court grants plaintiff's motion for leave to amend.

FACTUAL BACKGROUND

The current pretrial schedule allows the parties until May 21, 2021 to join additional parties and until May 28, 2021 to amend pleadings. Dkt. 158. On March 2, 2021, plaintiff filed this motion for leave to file a second amended complaint. Dkt. 166. Plaintiff has filed a proposed second amended complaint in compliance with Local Rule 15. Dkt. 166-1. Defendant craigslist, Inc. has filed a statement of non-opposition to plaintiff's motion for leave to amend. Dkt. 170. The remaining defendants in this action have not responded to plaintiff's motion.

## DISCUSSION

Pursuant to Federal Rule of Civil Procedure 15(a), after an initial period of amendment as of right, pleadings may be amended only with the opposing party's written consent or by leave of the Court. Leave to amend should be freely given when justice so requires. Fed.R.Civ.P. 15(a)(2); *Desertrain v. City of Los Angeles*, 754 F.3d 1147, 1154 (9th Cir. 2014) (“[T]his policy is to be applied with extreme liberality.”)

The Court must consider five factors when determining the propriety for leave to amend: bad faith, undue delay, prejudice to the opposing party, futility of amendment, and whether the plaintiff has previously amended the complaint. *Desertrain*, 754 F.3d at 1154; *Johnson v. Buckley*, 356 F.3d 1067, 1077 (9th Cir. 2004). Additionally, for each of these factors, the party opposing amendment has the burden of showing that amendment is not warranted. *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 187 (9th Cir. 1987); see also *Richardson v. United States*, 841 F.2d 993, 999 (9th Cir. 1988).

There is no evidence that plaintiff seeks to amend the complaint in bad faith or to cause delay. Additionally, plaintiff has complied with the Court's deadline for joining additional parties and amending the complaint. Further, there is no indication that allowing the requested amendment would unduly prejudice the defendants.

## CONCLUSION

Based on the foregoing, the Court Orders:

(1) Plaintiff's motion for leave to amend (Dkt. 166) is GRANTED pursuant to

Federal Rule of Civil Procedure 15(a)(2):

(2) Plaintiff is directed to file the proposed second amended complaint (Dkt. 166-

1) without track changes as the operative complaint by April 30, 2021; and

1 (3) The Clerk is directed to send a copy of this Order to all parties.

2 Dated this 22nd day of April, 2021.

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6 Theresa L. Fricke  
7 United States Magistrate Judge  
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